

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.) DOCKET NO. 2020-0136
)
For Approval of Energy Storage)
Power Purchase Agreement for Energy)
Storage Services with)
Kapolei Energy Storage I, LLC.)
_____)

ORDER NO. 37784

GRANTING, IN PART, HAWAIIAN ELECTRIC COMPANY INC.'S
MOTION FOR: (1) RECONSIDERATION AND (2) STAY,
AND CLARIFYING DECISION AND ORDER NO. 37754

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AND CLARIFYING DECISION AND ORDER NO. 37754

By this Decision and Order,¹ the Public Utilities Commission ("Commission"), grants in part, Hawaiian Electric's Motion for: (1) Reconsideration; and (2) Stay, filed May 10, 2021,²

¹The Parties in this Docket are HAWAIIAN ELECTRIC COMPANY, INC. ("Hawaiian Electric" or "Company") and the DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 16-601-62(a). Additionally, the Commission granted participant status to KAPOLEI ENERGY STORAGE I, LLC ("Kapolei Energy Storage I"), pursuant to Order No. 37427, "(1) Granting Kapolei Energy Storage I, LLC's Motion to Participate; (2) Approving Hawaiian Electric Company, Inc.'s Request to Bifurcate Its Energy Storage Power Purchase Agreement-Related Requests From Its Interconnection-Related Requests; and (3) Adopting a Procedural Order to Govern the Energy Storage Power Purchase Agreement-Related Requests," filed on November 6, 2020 ("Order No. 37427").

²"Hawaiian Electric Motion for: (1) Reconsideration; and (2) Stay of Decision and Order No. 37754; Memorandum in Support of Motion; and Certificate of Service," filed May 10, 2021

and clarifies Decision and Order No. 37754. Relatedly, the Commission also denies Kapolei Energy Storage I's Motion for Leave to File a Motion for Reconsideration of Order No. 37754³ as moot, as discussed further below.

I.

BACKGROUND

On April 29, 2021, the Commission issued Decision and Order No. 37754, which, subject to conditions set forth therein: (1) approved the Energy Storage Purchase Power Agreement ("ESPPA") between Hawaiian Electric and Kapolei Energy Storage I, dated September 11, 2020, for a 185 megawatt, 565 megawatt hour battery energy storage system ("BESS") to be located in Kapolei on the island of Oahu ("Project"); (2) approved Hawaiian Electric's request to include all non-energy payments under the ESPPA, including the Lump Sum Payments (as defined in the ESPPA) and related revenue taxes, through the Purchased Power Adjustment Clause ("PPAC"), to the extent such costs are not included in the

("Motion for Reconsideration and Stay" and "Memorandum in Support of Reconsideration," respectively).

³Kapolei Energy Storage I, LLC's Motion for Leave to File a Motion for Reconsideration of Order No. 37754; Exhibit 'A'; and Certificate of Service," filed on May 10, 2021 ("Motion for Leave").

base rates; and (3) approved the proposed accounting and ratemaking treatment for the purchased power expenses under the ESPPA.⁴

While the Commission stressed the importance of the Project in providing continued reliable service in light of the scheduled AES coal plant retirement, the Commission also emphasized the need to mitigate a number of concerns by imposing the following Conditions of approval:

- (A) Condition No. 1: Hawaiian Electric shall forgo any potential recovery of the second allocation of the Performance Incentive Mechanism ("PIM") awards for the Stage 1 Oahu projects.
- (B) Condition No. 2: Hawaiian Electric shall unlock grid constraints and align demand-side programs with the Project.
- (C) Condition No. 3: Hawaiian Electric shall financially retire Waiau Units 3, 4, 5, and 6 and Kahe Units 5 and 6 by specified dates certain.
- (D) Condition No. 4: Hawaiian Electric shall file monthly reports on renewable generation utilization.

⁴Decision and Order No. 37754, filed on April 29, 2021 ("D&O No. 37754") at 1-2.

- (E) Condition No. 5: The Project shall be subject to minimum renewable utilization thresholds and prudence review.
- (F) Condition No. 6: Any relationship by an affiliate of Hawaiian Electric to the Project during the term of the ESPPA is strictly prohibited.
- (G) Condition No. 7: Hawaiian Electric shall file Annual Utilization Reports and Missed Guaranteed Project Milestones Reports.
- (H) Condition No. 8: Hawaiian Electric shall file an End-of-Life Management Plan within five years of the date of D&O No. 37754.
- (I) Condition No. 9: To the extent that Daily Delay Damages ("DDD's") are paid to Hawaiian Electric prior to commencement of the Lump Sum Payment, Hawaiian Electric shall credit the amount of the DDDs received to its ratepayers through the PPAC.⁵

On May 10, 2021, Hawaiian Electric filed its Motion for Reconsideration and Stay, requesting that the Commission reconsider and/or clarify certain Conditions imposed and strike certain language included in D&O No. 37754.⁶ Support for

⁵D&O No. 37754 at 3-7.

⁶See Motion for Reconsideration and Stay.

Hawaiian Electric's Motion for Reconsideration and Stay is discussed further below.

Also on May 10, 2021, Kapolei Energy Storage I filed its Motion for Leave, requesting leave to file a Motion for Reconsideration of D&O No. 37754.⁷

II.

DISCUSSION

A.

Legal Standard

Motions for reconsideration are governed by HAR § 16-601-137, which provides as follows:

Motion for reconsideration or rehearing.
A motion seeking any change in a decision, order, or requirement of the [C]ommission should clearly specify whether the prayer is for reconsideration, rehearing, further hearing, or modification, suspension, vacation, or in a combination thereof. The motion shall be filed within ten days after the decision or order is served upon the party, setting forth specifically the grounds on which the movant considers the decision or order unreasonable, unlawful, or erroneous.

⁷Motion for Leave at 1.

B.

Hawaiian Electric's Motion for Reconsideration
and Stay of Decision and Order No. 37754

Hawaiian Electric seeks reconsideration of specific Conditions imposed by the Commission in D&O No. 37754, stating that: (1) the Conditions are outside the scope of the issues to be adjudicated in this Docket; (2) Hawaiian Electric disagrees with the basis for the imposition of such Conditions; and (3) the Conditions are erroneous, contrary to law, and have Constitutional implications.⁸ Specifically, Hawaiian Electric seeks reconsideration and/or clarification of Condition Nos. 1, 2, 3, 4, 5, and 7, as well as various statements made by the Commission.⁹ The Commission will address each of these topics in turn.

As an initial matter the Commission takes note of Hawaiian Electric's characterization that, from its perspective, the Commission's decision and imposition of Conditions was somehow intended to be punitive or derogatory. On the contrary, the Commission did not approach its decision from the perspective of the potential consequences that may come to bear on Hawaiian Electric, but rather focused on ensuring the most

⁸See Memorandum in Support of Reconsideration.

⁹Motion for Reconsideration and Stay at 3-7; see also Memorandum in Support of Reconsideration.

beneficial utilization of the Project and supporting the maximization of benefits delivered to ratepayers from a project expected to cost over \$500 million. As the Commission expressed on numerous occasions, there are significant concerns with the necessity and proposed utilization of the Project, including Hawaiian Electric's plans to charge the Project with fossil-fueled generation in both the short- and long-term, as well as Hawaiian Electric's ability to deliver long-term benefits to its customers. As a result, the Commission struggled with the short-term need for the Project juxtaposed against several other concerns, yet was able to develop avenues to help ensure the Project's maximum utilization, benefits to customers, and contribution to the State's energy goals.

The Commission unapologetically undertakes its responsibilities in a fair and objective manner, while also balancing the interests of the public with an eye towards the economic, environmental, and many other impacts of its decisions. As Hawaiian Electric has affirmed, we must work collectively to achieve our goal for Hawaii's energy future.¹⁰ Along these lines, the Commission sought to engage the Parties and Participant in a collaborative effort to allay the Commission's concerns by voicing specific issues to be addressed, offering proposed mitigating

¹⁰See Motion for Reconsideration and Stay at 7.

actions to provide benefits to customers, and seeking input on additional assurances in advance of issuing D&O No. 37754.¹¹ Unfortunately, aside from citing the urgent need to replace the AES coal plant, little was proffered in terms of the Project's customer benefits, ultimately compelling the Commission to impose several Conditions in approving the Project. However, upon review of the Memorandum in Support of Reconsideration, the Commission is encouraged by some of Hawaiian Electric's concessions and proposals and will revisit some of its imposed Conditions.

Consistent with the foregoing and based on review of the record, including Hawaiian Electric's Motion for Reconsideration and Stay and Memorandum in Support of Reconsideration, the Commission reconsiders, clarifies, and/or modifies certain Conditions as adopted in D&O No. 37754.

1.

Condition No. 1

In D&O No. 37754, the Commission imposed Condition No. 1, which requires Hawaiian Electric to forego any potential recovery of the second allocation of the PIM awards for the Stage 1 Oahu projects and prohibits Hawaiian Electric from seeking

¹¹Order No. 37721, "Identifying Commission Concerns and Instructing Further Briefing," filed on April 9, 2021.

to collect any second allocation of the Stage 1 PIM awards for those projects.¹² Hawaiian Electric argues, among other things, that “[t]here is no rational basis or nexus for requiring Hawaiian Electric to forfeit up to \$1.7M of Stage 1 PIM awards as a condition to approve this Stage 2 project.”¹³

Concerned with the risk conferred onto ratepayers by the impending retirement of the AES coal plant, further exacerbated by the delay in the completion of Stage 1 projects on Oahu, the Commission opened Docket No. 2021-0024 to review the Hawaiian Electric Companies’¹⁴ interconnection process and transition plans for retirement of fossil fuel power plants in the State, including the AES coal plant.¹⁵ In Docket No. 2021-0024, the Commission is exploring appropriate actions to mitigate the risks associated with the AES coal plant retirement and reduce the impact on ratepayers, including approval of the instant Project. To further address concerns with the loss of customer bill savings resulting from the Stage 1, approved Stage 2, and Community-Based Renewable Energy (“CBRE”) Phase 1 project delays, the Commission

¹²D&O No. 37754 at 3-4.

¹³Motion for Reconsideration and Stay at 3.

¹⁴The “Hawaiian Electric Companies” refers to Maui Electric Company, Ltd., Hawaiian Electric Company, Inc., and Hawaii Electric Light Company, Inc. (collectively, “the Companies”).

¹⁵In re Public Utils. Comm’n, Docket No. 2021-0024, Order No. 37624, “Opening the Docket,” filed on February 11, 2021.

determined it was necessary to direct Hawaiian Electric to quantify, track, and report on such lost savings.¹⁶

Nevertheless, the Commission clarifies that in light of its decision in Docket No. 2021-0024 to track costs of the aforementioned project delays, the Commission reconsiders its previous decision and removes Condition No. 1 from D&O No. 37754. Any potential Stage 1 PIM awards will be addressed by the Commission in related dockets, including Docket Nos. 2017-0352, 2021-0024, or other dockets, as appropriate.

2.

Condition No. 2

Condition No. 2 requires Hawaiian Electric to unlock grid constraints in Phase 2 CBRE projects on Oahu and existing and new distributed energy resources ("DER") programs to align those programs with Project operations.¹⁷ Hawaiian Electric asserts that this condition "improperly seeks to impact the Company's rights

¹⁶In re Public Utils. Comm'n, Docket No. 2021-0024, Order No. 37752, "Directing Hawaiian Electric to Establish Deferred Accounting to Assess the Ongoing Cost of Projects' Delayed Commercial Operations," filed on April 27, 2021, at 9-11. The Commission notes that Hawaiian Electric filed a "Motion For: (1) Reconsideration and/or Clarification; and (2) Stay of Order No. 37752," on May 7, 2021, which the Commission will shortly address.

¹⁷D&O No. 37754 at 4.

and obligations in other separate dockets before this Commission, and is also too vague and ambiguous for the Companies to reasonably accurately assess its potential impact.”¹⁸ As a result, Hawaiian Electric requests that Condition No. 2 be removed, and “to the extent that the Commission wishes to address these policy initiatives, that they be implemented only after being fully vetted in a more appropriate docket.”¹⁹

The Commission finds that there is a clear nexus between Condition No. 2 and the decision to approve the Project.²⁰ Projected to cost Oahu customers over \$500 million, the BESS represents a significant investment to increase storage capacity, and Hawaiian Electric needs to maximize customer value from the Project. By expanding storage capacity on the Oahu grid, the CBRE and DER programs can also be expanded, which will provide immediate benefits and help address the Commission’s concerns with fossil fuel utilization of the Project. This is consistent with Hawaiian Electric’s own stated commitments

¹⁸Memorandum in Support of Reconsideration at 34.

¹⁹Memorandum in Support of Reconsideration at 34.

²⁰See “Hawaiian Electric Company, Inc.’s Written Comments Addressing Commission Concerns and Proposed Mitigations; and Certificate of Service,” filed on April 16, 2021 (“Hawaiian Electric’s Comments”), at 2. It is also notable that Hawaiian Electric explicitly states that the Project’s approval will “[a]ccelerate and increase the capacity for renewable energy procurements, including large and small scale [DER], and grid services.” Id. at 2.

to ensuring more affordable renewable resources, expanding access to demand-side programs, increasing the provision of grid services, and contributing to fossil fuel reduction.²¹

However, the Commission acknowledges that these concerns can be addressed in other proceedings, such as the CBRE and DER proceedings, as suggested by Hawaiian Electric. As a result, the Commission agrees to reconsider inclusion of this Condition in this proceeding and will finalize and implement these details in corresponding DER and CBRE dockets.

3.

Condition No. 3

The Commission also imposed Condition No. 3, which requires Hawaiian Electric to financially retire specified Waiau and Kahe Units by dates certain. Hawaiian Electric contends that this condition is not consistent with Hawaiian Electric's planning under the PSIP; runs contrary to the intent of HRS § 269-6(d), requiring the Commission to consider the Company's recovery of stranded costs; and would deny Hawaiian Electric the ability to earn a reasonable return on its capital investments.²² In addition, Hawaiian Electric indicates that it supports the

²¹Hawaiian Electric's Comments at 4-8.

²²Memorandum in Support of Reconsideration at 43.

accelerated retirement of fossil fuel generating units and is committed to operationally retiring Waiau Units 3 and 4 in 2024 to support the long-term benefits of the Project.²³ However, it is concerned with retiring the aforementioned units without first ensuring replacement resources have been added.²⁴ More specifically, Hawaiian Electric previously stated that:

[I]f approved, the Project, along with the Stage 1 and 2 RFP projects (collectively, the "Portfolio Resources"), will allow the Company to:

- Commit to retiring Waiau 3 and Waiau 4 in 2024 (when the Portfolio Resources will be on-line); [and]
- Fully retire the fossil-fueled Honolulu Power Plant upon commercial operation of the [Project] alone[.]”²⁵

After review of Hawaiian Electric's objections, the Commission once again notes that the retirement dates identified in Condition No. 3 were taken directly from Hawaiian Electric's Application in this docket, and were put forth by Hawaiian Electric itself in support of its request for approval of the Project. Furthermore, the Commission clarifies that, in imposing Condition No. 3, it did not intend or state that the Companies would be forced to write off undepreciated book value.

²³Motion for Reconsideration and Stay at 4; Memorandum in Support of Reconsideration at 46.

²⁴Motion for Reconsideration and Stay at 4.

²⁵Hawaiian Electric's Comments at 1-2.

Instead, in footnote 301 of D&O No. 37754, the Commission explicitly stated that such issue would be addressed at the time of the actual retirements.

Hawaiian Electric also indicates the intent to establish regulatory assets to record the net book value of the retired assets and to amortize and recover these stranded costs. The Commission will review these requests as the units are taken out of service and make determinations as to the specific treatment based on the facts and circumstances at the time of the requests.²⁶

Nonetheless, in light of the foregoing, the Commission will modify Condition No. 3. The Commission will continue to require the financial retirement of Waiau Units 3 and 4 by 2024, as this commitment represents a stated commitment by Hawaiian Electric in this proceeding, as well as in Docket No. 2021-0024.²⁷ However, the Commission will remove the requirement that the remaining units be retired by the previously specified dates. Instead, the remaining units will continue to be prioritized as the focus of the retirement plan being developed in the Integrated Grid Planning docket, as well as be addressed in Docket No. 2021-0024. Once again, the Commission restates its

²⁶D&O No. 37754 at 119 n.301 (citation omitted).

²⁷Motion for Reconsideration and Stay at 4; Memorandum in Support of Reconsideration at 46; see also Hawaiian Electric's Comments at 1-2.

expectation that Hawaiian Electric ensure maximum utilization of the Project over its 20-year term.

4.

Condition No. 4

Condition No. 4 requires Hawaiian Electric to file monthly reports on renewable energy utilization for the month. Hawaiian Electric argues that such condition is duplicative and onerous.²⁸ However, Hawaiian Electric indicates that it is able to comply with the reporting requirement, to the extent that it captures the average daily energy capacity (expressed as a percentage of maximum capacity) by which the BESS was charged; and the average daily energy capacity (expressed as a percentage of maximum capacity) by which the BESS was dispatched and/or utilized.²⁹ Moreover, while it maintains that it is impossible to provide the percentage of the energy stored in the Project that was generated by fossil fuels, compared to the percentage generated by renewable resources, Hawaiian Electric states that it can provide "data showing what the resource mix is on the Company's

²⁸Memorandum in Support of Reconsideration at 61.

²⁹Memorandum in Support of Reconsideration at 61.

system when charging the BESS, and believes that this would be representative of the same mix of energy stored in the BESS.”³⁰

The Commission appreciates Hawaiian Electric’s acknowledgement of the importance of such information and data to ensuring maximization of the Project’s benefits and finds its explanation and alternative suggestion reasonable. Accordingly, the Commission accepts Hawaiian Electric’s proposed modification to Condition No. 4 with respect to providing data on the resource mix when charging the BESS.

5.

Condition No. 5

To ensure that the Project delivers its purported benefits, the Commission imposed Condition No. 5 to establish minimum thresholds of renewable utilization for the Project, as well as an associated automatic prudence review of the fossil fuel costs incurred to charge the Project during such period. Hawaiian Electric notes its understanding that “renewable utilization,” represents “the approximate percentage of ‘fuel’ source charging the [BESS] that comes from renewable sources.”³¹ Thereunder, Hawaiian Electric contends that the ability to charge

³⁰Memorandum in Support of Reconsideration at 61.

³¹Memorandum in Support of Reconsideration at 52.

the Project from renewable resources reflects a percentage of renewable generation on the grid at any given point in time.³² Hawaiian Electric initially estimated that over the Project's lifetime, on average, the Project would be charged approximately 60% from fossil fuel resources.³³ This amount was later updated to estimate that over the Project's lifetime, the Project would instead be charged, on average, approximately 63% from renewable energy.³⁴

However, in its Motion for Reconsideration and Stay, Hawaiian Electric states its expectation that the percentage of renewable generation on the grid will not meet the Condition No. 5 threshold minimums for more than a decade.³⁵

Also, Hawaiian Electric asserts that this Condition will restrict its ability to utilize the Project to its planned

³²Memorandum in Support of Reconsideration at 53.

³³Memorandum in Support of Reconsideration at 52; see also Letter From: K. Katsura To: Commission Re: Docket No. 2020-0136 - Hawaiian Electric Energy Storage Power Purchase Agreement for Energy Storage Services with Kapolei Energy Storage I, LLC; "Responses to Commission Information Requests," filed on April 19, 2021, at PUC-HECO-IR-102.

³⁴Memorandum in Support of Reconsideration at 52; see also Letter From: K. Katsura To: Commission Re: Docket No. 2020-0136, Hawaiian Electric Energy Storage Power Purchase Agreement for Energy Storage Services with Kapolei Energy Storage I, LLC; "Supplemental Responses to Commission Information Requests," filed April 23, 2021.

³⁵Memorandum in Support of Reconsideration at 53.

capacity, which will act to deny customers the envisioned benefits of the Project, as well as frustrate the Project's intended purpose.³⁶

The Commission finds that the purpose of this Condition is fundamentally related to tracking and reviewing the long-term utilization of the Project. The Commission maintains that this Condition is necessary to ensure that customers receive maximum value, but that it is also no different than the Commission's existing authority to review the prudence of utility costs. However, in the Memorandum in Support of Reconsideration, the Companies set forth examples that reflect only the most extreme interpretation of possible outcomes. In actuality, the condition merely sets thresholds for automatic review without any predetermined outcomes.

Nevertheless, after further consideration, the Commission modifies Condition No. 5 to remove the minimum thresholds and their corresponding periods. Instead, the Commission will automatically conduct a prudence review of the Project's utilization and energy costs on an annual basis for the first ten years of the Project's operations, utilizing the Annual Utilization Report as set forth in Condition No. 7. Details regarding that review will be set forth by subsequent order

³⁶Memorandum in Support of Reconsideration at 55-56.

following the filing of the Annual Utilization Report. Thereafter, the Commission may reevaluate the need and/or intervals necessary for continued review of the Project's renewable utilization.

6.

Condition No. 7

The Commission also imposed Condition No. 7, which requires Hawaiian Electric to file various reports. Hawaiian Electric takes issue with the Annual Utilization Report, arguing that certain provisions are duplicative or unnecessary.

The Commission finds that the reporting requirements contained in Condition No. 7 are intended to ensure the that the Project is timely brought online and properly utilized to fulfill its expected role. Thus, the Commission declines to reconsider the inclusion of the Annual Utilization Report in its decision in D&O No. 37754. However, in light of its reconsideration of Condition No. 2, the Commission will clarify that the Annual Utilization Report shall no longer include "reporting on metrics identified by the Commission to review performance in Condition No. 2, which requires Hawaiian Electric to unlock grid constraints and align demand-side programs with the Project."³⁷

³⁷D&O No. 37754 at 126.

Striking Language from D&O No. 37754

Furthermore, Hawaiian Electric takes issue with a number of statements made in D&O No. 37754, arguing that such statements are inconsistent with or unsupported by the record in this proceeding and requests that language it suggests impugns Hawaiian Electric's integrity be stricken.³⁸

In contrast, the Commission finds that the record overwhelmingly and painstakingly supports the Commission's findings and conclusions. Moreover, Hawaiian Electric misconstrues the intent of the Commission's words and actions. The Commission's intent was not to impugn Hawaiian Electric's integrity, but instead to highlight the seriousness of the situation and the Commission's focus on its duties and obligations to the public. The Commission is responsible for ensuring consumers are provided essential utility services in a safe, reliable, economical, and environmentally sound manner. Indeed, the Commission is deeply committed to fulfilling its obligations and, in so doing, imposed reasonable Conditions and used pointed language in describing its disappointment with being placed in the position of having few options to respond to the extremely serious situation that is developing as a result of the retirement of the

³⁸Memorandum in Support of Reconsideration at 63-71 and 73-74.

AES coal plant next year. In fact, it was expressly the lack of other viable options, alternatives, and/or feasible contingency plans to ensure that the "lights will stay on" that contributed to not only the need for this Project's approval, but also appropriate conditions to ensure the Project will provide long-term benefits to customers.

Accordingly, the Commission finds that, in issuing D&O No. 37754, its focus was on taking the necessary steps to ensure reliable service is provided following the scheduled AES coal plant retirement. The record in this proceeding clearly supports the Commission's findings and conclusions. As a result, the Commission finds no basis for striking language from D&O No. 37754, as requested by Hawaiian Electric.

8.

Motion for Stay

Hawaiian Electric also requests a stay pending the Commission's consideration and resolution of its Motion for Reconsideration.³⁹ Hawaiian Electric is seeking a stay to prevent what it views as "the immediate and significant negative

³⁹Motion for Reconsideration and Stay at 8; Memorandum in Support of Reconsideration at 75.

consequences impacting the Company and customers” resulting from D&O No. 37754.⁴⁰

Having ruled on Hawaiian Electric’s Motion for Reconsideration, the Commission denies the Motion for Stay as moot.

C.

Kapolei Energy Storage I’s Motion for Leave

Kapolei Energy Storage I states that granting its Motion for Leave is “reasonable, would aid in the development of a sound record, would assist the Commission in making an informed decision regarding the reconsideration, modification, and/or clarification of the Approval Order, and that there is good cause to grant the Motion for Leave.”⁴¹

However, based on the foregoing reconsideration and clarification of D&O No. 37754, pursuant to Hawaiian Electric’s Motion for Reconsideration and Stay, the Commission denies the Motion for Leave as moot. Furthermore, with respect to Kapolei Energy Storage I’s request, pursuant to the Motion to Leave, to approve the Project’s 138 kilovolt (“kV”) line extension, the Commission reiterates its intention to rule on the Project’s 138 kV interconnection issues by separate order and, once again,

⁴⁰Memorandum in Support of Reconsideration at 75.

⁴¹Motion for Leave at 4-5.

urges Hawaiian Electric and Kapolei Energy Storage I to expedite their amendment discussions to the extent a decision on those matters is desired soon.⁴²

III.

ORDERS

THE COMMISSION ORDERS:

1. Hawaiian Electric's Motion for Reconsideration and Stay is:

(A) Granted, in part, as set forth above with regard to Condition Nos. 1 and 2;

(B) Clarified and/or modified, in part, as set forth above with regard to Condition Nos. 3, 4, 5, and 7; and

(C) Denied, in part, as set forth above with regard to the request to strike language from D&O No. 37754, and the Motion for Stay.

2. Kapolei Energy Storage I's Motion for Leave is denied as moot.

⁴²See D&O No. 37754 at 137-138; see also Order No. 37427 at 25-26.

3. Hawaiian Electric shall respond in writing filed in the instant docket by May 20, 2021, as to whether it accepts the Commission's modified and/or clarified Conditions, as set forth above.

DONE at Honolulu, Hawaii MAY 13, 2021.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin
James P. Griffin, Chair

By Jennifer M. Potter
Jennifer M. Potter, Commissioner

By Leodoloff R. Asuncion, Jr.
Leodoloff R. Asuncion, Jr., Commissioner

APPROVED AS TO FORM:

Keira Y. Kamiya
Keira Y. Kamiya
Commission Counsel

2020-0136.ljk

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

FILED

2021 May 13 PM 15:00

PUBLIC UTILITIES
COMMISSION

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